

From: [Shultz, Gina](#)
To: [Bridget Fahey](#); [Sarah Quamme](#)
Subject: Fwd: TX Hornshell CCAA FR
Date: Tuesday, June 20, 2017 11:04:59 AM

FYI- and we may want to look at extending the effective date to 60 days instead of 30 to allow additional time to sign up for CCAAs. I think we may have done that in the past.

Gina Shultz

Deputy Assistant Director, Ecological Services

U.S. Fish and Wildlife Service

MS: ES

5275 Leesburg Pike

Falls Church, VA 22041-3803

703-358-1985

----- Forwarded message -----

From: Koch, Ted <ted_koch@fws.gov>

Date: Mon, Jun 19, 2017 at 5:52 PM

Subject: Re: TX Hornshell CCAA FR

To: "Frazer, Gary" <gary_frazer@fws.gov>

Cc: "Willey, Seth" <seth_willey@fws.gov>, Benjamin Tuggle <benjamin_tuggle@fws.gov>,

Joy Nicholopoulos <joy_nicholopoulos@fws.gov>, Gina Shultz <Gina_Shultz@fws.gov>,

Jeff Newman <jeff_newman@fws.gov>, Lisa Jones <lisa_m_jones@fws.gov>

Gary-

All makes sense. I'm sorry to impose upon you, and I appreciate your quick, informed response.

We've considered the "listing effective date" window, too. Perhaps Jeff or others can help us think about this?

Ted

On Mon, Jun 19, 2017 at 3:45 PM, Frazer, Gary <gary_frazer@fws.gov> wrote:

Doing our best to push it along, and I just asked ExecSec to make this a priority for clearance. But it just landed there Friday, and they normally ask for 10 days. The package got to HQ very late in the best of circumstances, and these are definitely not the best of circumstances. It's also a tough week for clearing anything, since the Secretary is testifying 3 times this week and I'm told the 6th floor is very risk averse this week. So don't hold your breath for it getting cleared by Friday.

As I recall, when we listed the LPC we allowed interested landowners to sign up for available CCAAs until the effective date of the listing rule. So if you don't have that additional 30 days on your radar, you should confirm that my memory is correct and plan accordingly. -- GDF

Gary Frazer
Assistant Director -- Ecological Services
U.S. Fish and Wildlife Service
(202) 208-4646

On Mon, Jun 19, 2017 at 4:45 PM, Koch, Ted <ted_koch@fws.gov> wrote:

Gary,

We are at a crucial point in the Texas Hornshell CCA & 2 CCAAs. We need to have clearance to publish the draft agreements and the associated Environmental Assessment by the end of this week to meet the deadline for approving the agreement before the ESA listing decision date of August 10th, so participants have time to sign up.

We think it is due to be signed by this Friday. I'm writing now because we can ill afford to be late. We would send it to the FR next Monday, the 26th, for publication on the 29th. We sent it up through Lisa Ellis, and DTS shows it's currently with "SIO-REGS."

If you can help, we'd appreciate it. If there is anything we can do here, please let us know.

Thanks,

Ted

--

Ted Koch
Assistant Regional Director, Ecological Services
U.S. Fish and Wildlife Service, Region 2
P.O. Box 1306
Albuquerque, NM 87103-1306
505-248-6644

--

Ted Koch
Assistant Regional Director, Ecological Services
U.S. Fish and Wildlife Service, Region 2
P.O. Box 1306
Albuquerque, NM 87103-1306
505-248-6644

From: [Fahey, Bridget](#)
To: [Sarah Quamme](#)
Subject: Fwd: Quick Q re Texas Hornshell
Date: Thursday, June 22, 2017 11:54:10 AM

You are welcome to sit in. I imagine R2 will do most of the talking. Up to you.

----- Forwarded message -----

From: **Alyssa Hausman** <alyssa_hausman@fws.gov>
Date: Wed, Jun 21, 2017 at 6:21 PM
Subject: Re: Quick Q re Texas Hornshell
To: "Fahey, Bridget" <bridget_fahey@fws.gov>

Monday at 2:30 work? We can start with Udall's staff at 2:45 and do a short precall with the region at 2:30, if that works.

Thanks!

- Alyssa

Sent from my iPhone

On Jun 21, 2017, at 11:40 AM, Fahey, Bridget <bridget_fahey@fws.gov> wrote:

no concerns here!

Bridget Fahey
Division Chief for Conservation and Classification
U.S. Fish and Wildlife Service
(703) 358-2163

On Wed, Jun 21, 2017 at 11:36 AM, Hausman, Alyssa
<alyssa_hausman@fws.gov> wrote:

Hi Bridget,

I'm having trouble getting information on Ted's schedule since he's traveling so much right now. Region 2 has recommended that I move forward scheduling with Udall's staff and Ted or someone else from R2 ES will make sure they're on the line. I'm planning to offer Udall's office this following times, based on your schedule.

- Friday 6/23, until 12 noon
- Monday 6/26, 11am - 12 noon, 2:30pm - 4pm
- Tuesday 6/27, 12 noon - 1:30 pm, 3pm-4pm

Please let me know if you have any concerns.

Thanks,
Alyssa

Alyssa Hausman
Congressional and Legislative Affairs Specialist
U.S. Fish and Wildlife Service
Office: (703) 358-2275
Mobile: (703) 785-3402
alyssa_hausman@fws.gov

On Fri, Jun 16, 2017 at 11:57 AM, Hausman, Alyssa
<alyssa_hausman@fws.gov> wrote:

Thanks. I'll work with R2 CLA to get Ted's availability.

Alyssa Hausman
Congressional and Legislative Affairs Specialist
U.S. Fish and Wildlife Service
Office: (703) 358-2275
Mobile: (703) 785-3402
alyssa_hausman@fws.gov

On Fri, Jun 16, 2017 at 11:56 AM, Fahey, Bridget <bridget_fahey@fws.gov>
wrote:

You should be able to see my availability from my calendar.

----- Forwarded message -----

From: **Frazer, Gary** <gary_frazer@fws.gov>
Date: Fri, Jun 16, 2017 at 11:53 AM
Subject: Re: Quick Q re Texas Hornshell
To: "Shultz, Gina" <gina_shultz@fws.gov>
Cc: "Hausman, Alyssa" <alyssa_hausman@fws.gov>, "Fahey, Bridget"
<bridget_fahey@fws.gov>

Very happy for Bridget to cover. -- GDF

Gary Frazer
Assistant Director -- Ecological Services
U.S. Fish and Wildlife Service
(202) 208-4646

On Fri, Jun 16, 2017 at 11:52 AM, Shultz, Gina <gina_shultz@fws.gov>
wrote:

I think Bridget can cover for HQ unless Gary wants to.

Gina Shultz
Deputy Assistant Director, Ecological Services
U.S. Fish and Wildlife Service
MS: ES
5275 Leesburg Pike

Falls Church, VA 22041-3803
703-358-1985

On Fri, Jun 16, 2017 at 11:38 AM, Hausman, Alyssa

<alyssa_hausman@fws.gov> wrote:

Thank you, Gina.

Stephenne is still interested in having a briefing in the next two weeks. I spoke to Bridget briefly this morning and it may be good to have someone from HQ and Ted Koch on the phone for a briefing. Who would you all like on the line from HQ, and what is your availability in the next two weeks?

I'm happy to talk about this further today or early next week.

Thanks,
Alyssa

Alyssa Hausman
Congressional and Legislative Affairs Specialist
U.S. Fish and Wildlife Service
Office: (703) 358-2275
Mobile: (703) 785-3402
alyssa_hausman@fws.gov

On Fri, Jun 16, 2017 at 8:27 AM, Shultz, Gina <gina_shultz@fws.gov> wrote:

I spoke with Stephanie Harding yesterday evening (after Alyssa's email). I told her at this time we are not contemplating seeking an extension to allow people to sign up for the CCAA; the CCAA is moving through the clearance process in the Department; our target date is to FR next week and publication the following; it is unlikely we will meet that date but hopefully not by much, which should allow time for people to sign up. I mentioned that when there is scientific uncertainty we may seek an extension of up to 6 months, but I don't know whether that exists with this species.

Gina Shultz
Deputy Assistant Director, Ecological Services
U.S. Fish and Wildlife Service
MS: ES
5275 Leesburg Pike
Falls Church, VA 22041-3803
703-358-1985

On Fri, Jun 16, 2017 at 7:55 AM, Fahey, Bridget

<bridget_fahey@fws.gov> wrote:

FYI -- see both issues below (briefing plus request for extension)

----- Forwarded message -----

From: **Alyssa Hausman** <alyssa_hausman@fws.gov>

Date: Thu, Jun 15, 2017 at 6:35 PM

Subject: Re: Quick Q re Texas Hornshell

To: Sarah Quamme <sarah_quamme@fws.gov>, "Fahey, Bridget" <bridget_fahey@fws.gov>

More excitement on the hornshell: Udall's office would like a briefing on the status of the science, ccaa, and listing. I imagine this may need to be a joint HQ-region call, but let's chat tomorrow if you're in.

Thanks,
Alyssa

Sent from my iPhone

On Jun 15, 2017, at 4:35 PM, Hausman, Alyssa <alyssa_hausman@fws.gov> wrote:

Hi Sarah and Bridget,

I just left Sarah a more detailed voicemail on her cell, but I want to let you know that Sen. Udall's office has asked that we consider going to the plaintiffs in the hornshell case and request renegotiating the deadline for the final listing decision to allow for completion of the CCA/CCAA. I believe that they will be at the public hearing today and will be speaking with constituents. This email is me passing on their request. Feel free to call me on my cell if you want to chat.

Thanks,
Alyssa

Alyssa Hausman
Congressional and Legislative Affairs Specialist
U.S. Fish and Wildlife Service
Office: (703) 358-2275
Mobile: (703) 785-3402
alyssa_hausman@fws.gov

On Mon, May 8, 2017 at 9:50 AM, Hausman, Alyssa <alyssa_hausman@fws.gov> wrote:

Hi Sarah and Bridget,

I have another really quick question on this. Please give me a call when you get a chance (x2275)

Thanks!

- Alyssa

Alyssa Hausman

Congressional and Legislative Affairs Specialist
U.S. Fish and Wildlife Service
Office: (703) 358-2275
Mobile: (703) 785-3402
alyssa_hausman@fws.gov

On Wed, May 3, 2017 at 1:25 PM, Hausman, Alyssa
<alyssa_hausman@fws.gov> wrote:

Hi Bridget and Sarah,

I have a quick question related to the Texas hornshell and requirements of the MDL settlement. Can one of you please give me a quick call when you get a chance? I'm on my cell - 703.78.3402.

Thank you!

- Alyssa

Alyssa Hausman
Congressional and Legislative Affairs Specialist
U.S. Fish and Wildlife Service
Office: (703) 358-2275
Mobile: (703) 785-3402
alyssa_hausman@fws.gov

From: [Quamme, Sarah](#)
To: [Bridget Fahey](#)
Subject: Fwd: Texas hornshell final listing rule
Date: Thursday, June 29, 2017 6:27:10 AM
Attachments: [fl_TXHS 06202017.docx](#)

Hello - Getting back to you on this. In order to give the full time needed downtown, we'll have to get the approved package to Gary by next Friday. Since you're in retreat and out most of next week, I propose that for this package I will do the formal review and we can provide you a courtesy copy to make you smart when we send the package to Gary. Caitlin assures me the rule is in good shape. Does that work for you?

----- Forwarded message -----

From: **Oetker, Susan** <susan_oetker@fws.gov>
Date: Tue, Jun 20, 2017 at 10:49 AM
Subject: Fwd: Texas hornshell final listing rule
To: Sarah Quamme <sarah_quamme@fws.gov>

Continuing my inability to cc you on anything, I forgot to add you here. Sorry.

Susan Rogers Oetker
US Fish and Wildlife Service
Region 2- RO Ecological Services
1875 Century Blvd NE, Suite 200
Atlanta, GA 30345
404-679-7050
cell-505-856-8573
fax 404-679-7081

----- Forwarded message -----

From: **Oetker, Susan** <susan_oetker@fws.gov>
Date: Tue, Jun 20, 2017 at 10:29 AM
Subject: Texas hornshell final listing rule
To: "Fahey, Bridget" <bridget_fahey@fws.gov>, "Snyder, Caitlin" <caitlin_snyder@fws.gov>, Shawn Sartorius <shawn_sartorius@fws.gov>

Hi Bridget-

Attached is the draft final rule to list Texas hornshell as an endangered species. It has had an initial review by the solicitor, but we don't yet have his surname. The timing of all of this is a bit wonky, but we are giving it to you now for a few reasons:

- The second public comment period, which we opened in order to hold the public hearings, does not close until June 29. So far no comments we have received will change things much, but you never know. I will have to update comment numbers, etc, after the closing date.

- We don't know yet whether the FR notice for the CCAA will publish in time to allow sign ups prior to final listing. The CCAA sections in this final rule remain not final until we know

one way or the other- by the end of this month.

- The final rule is due to be published on August 10. We are already crunching the schedule, and now that exec sec needs 10 days it's even worse. Therefore, we're sending it to you now so you can have your 2 weeks in advance of when everything should come together to be put on surname in HQ- no later than July 7.

I am briefing Q on the package tomorrow. Thanks. Please let me know if you want to talk about any of this.

Susan

Susan Rogers Oetker
US Fish and Wildlife Service
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--

Sarah Joan Quamme
Unified Listing Team Manager
U.S. Fish & Wildlife Service
703-358-1796

From: [Quamme, Sarah](#)
To: [Bridget Fahey](#)
Subject: Texas hornshell is going downtown today
Date: Friday, July 7, 2017 10:05:38 AM
Attachments: [fL TXHS 07072017 with SPR.docx](#)

Your courtesy copy is attached.

--

Sarah Joan Quamme
Unified Listing Team Manager
U.S. Fish & Wildlife Service
703-358-1796

From: [Fahey, Bridget](#)
To: [Sarah Quamme](#)
Subject: BP edits
Date: Monday, July 10, 2017 8:08:18 AM

Hi Sarah. Looks like Gary made some edits to the hornshell BP -- I didn't have time to figure out what they are but we should make sure to take heed for crafting future BPs. Maybe someone on your team can track and share these amongst us all.

R:\SHARED\Weekly Narratives\briefing papers\For July 10 (July 3)\Gary's Versions for July 3 and July 10 7.7.2017

Bridget Fahey
Division Chief for Conservation and Classification
U.S. Fish and Wildlife Service
(703) 358-2163

From: [Bridget Fahey](#)
To: [Sarah Quamme](#); [Colleen Fahey](#)
Subject: Fwd: Texas hornshell final rule
Date: Thursday, July 20, 2017 3:20:50 PM

Sent from my iPad

Begin forwarded message:

From: "Frazer, Gary" <gary_frazer@fws.gov>
Date: July 20, 2017 at 5:18:37 PM EDT
To: Benjamin Tuggle <Benjamin_Tuggle@fws.gov>, Joy Nicholopoulos <Joy_Nicholopoulos@fws.gov>
Cc: Ted Koch <Ted_Koch@fws.gov>, "Willey, Seth" <Seth_Willey@fws.gov>, Gina Shultz <Gina_Shultz@fws.gov>, Bridget Fahey <Bridget_Fahey@fws.gov>
Subject: Texas hornshell final rule

Benjamin - Steve Guertin sent the hornshell final rule back to me with a note to set up a briefing for Greg. He's out dealing with sage-grouse Mon and Tues. Could your folks work with Roslyn or Thomas to set up a phone briefing later next week? Invite me. Thanks -- gDF

*Gary Frazer
Assistant Director -- Ecological Services
U.S. Fish and Wildlife Service
(202) 208-4646*

From: [Oetker, Susan](#)
To: [Sarah Quamme](#)
Cc: [Susan Jacobsen](#); [Shawn Sartorius](#)
Subject: hornshell BP
Date: Tuesday, July 25, 2017 7:01:16 AM
Attachments: [FR3021 IM TX hornshell final listing 07262017 v6 \(1\).docx](#)

Hey Q-

Attached is the revised briefing paper that Ted surnamed, FYI. We don't know yet if Benjamin will surname and send it on or not. Thanks.

Susan

Susan Rogers Oetker
US Fish and Wildlife Service
Region 2- RO Ecological Services
1875 Century Blvd NE, Suite 200
Atlanta, GA 30345
404-679-7050
cell-505-856-8573
fax 404-679-7081

From: [Quamme, Sarah](#)
To: [Bridget Fahey](#)
Subject: Fwd: hornshell BP
Date: Tuesday, July 25, 2017 12:00:35 PM
Attachments: [FR3021 IM TX hornshell final listing 07262017 v6 \(1\).docx](#)

FYI, in case you'd like to take a peek.

----- Forwarded message -----

From: **Oetker, Susan** <susan_oetker@fws.gov>
Date: Tue, Jul 25, 2017 at 9:00 AM
Subject: hornshell BP
To: Sarah Quamme <sarah_quamme@fws.gov>
Cc: Susan Jacobsen <susan_jacobsen@fws.gov>, Shawn Sartorius
<shawn_sartorius@fws.gov>

Hey Q-

Attached is the revised briefing paper that Ted surnamed, FYI. We don't know yet if Benjamin will surname and send it on or not. Thanks.

Susan

Susan Rogers Oetker
US Fish and Wildlife Service
Region 2- RO Ecological Services
1875 Century Blvd NE, Suite 200
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--

Sarah Joan Quamme
Unified Listing Team Manager
U.S. Fish & Wildlife Service
703-358-1796

From: [Jacobsen, Susan](#)
To: [Quamme, Sarah](#)
Cc: [Oetker, Susan](#); [Shawn Sartorius](#)
Subject: Re: hornshell BP
Date: Tuesday, July 25, 2017 2:08:42 PM

Thanks Q and let us know if you need anything more in advance to help answer questions that you think could arise. Good luck!

On Tue, Jul 25, 2017 at 11:51 AM, Quamme, Sarah <sarah_quamme@fws.gov> wrote:

Thank you, Susan. Gary indicated this morning that he was fine following Benjamin's lead, and we don't need to push for a BP. Bridget and I are grateful for the updated information though. We'll let you know how things go.

On Tue, Jul 25, 2017 at 9:00 AM, Oetker, Susan <susan_oetker@fws.gov> wrote:

Hey Q-

Attached is the revised briefing paper that Ted surnamed, FYI. We don't know yet if Benjamin will surname and send it on or not. Thanks.

Susan

Susan Rogers Oetker
US Fish and Wildlife Service
Region 2- RO Ecological Services
1875 Century Blvd NE, Suite 200
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Sarah Joan Quamme
Unified Listing Team Manager
U.S. Fish & Wildlife Service
703-358-1796

--

Susan Jacobsen
Division Chief, Classification and Restoration
Ecological Services, Southwest Region
U.S. Fish and Wildlife Service
P.O. Box 1306, Albuquerque, NM 87103-1306
505-248-6641; mobile 505-206-9845

From: [Quamme, Sarah](#)
To: [Frazer, Gary](#)
Subject: Fwd: maps
Date: Wednesday, July 26, 2017 11:01:01 AM
Attachments: [maps.pptx](#)

----- Forwarded message -----

From: **Oetker, Susan** <susan_oetker@fws.gov>
Date: Wed, Jul 26, 2017 at 10:58 AM
Subject: maps
To: Sarah Quamme <sarah_quamme@fws.gov>

Attached are historical and presumed current.

Susan Rogers Oetker
US Fish and Wildlife Service
Region 2- RO Ecological Services
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--

Sarah Joan Quamme
Unified Listing Team Manager
U.S. Fish & Wildlife Service
703-358-1796

From: [Gary Frazer](#)
To: [Quamme, Sarah](#)
Subject: Re: maps
Date: Wednesday, July 26, 2017 11:28:47 AM

Thanks. Figured that out.

Sent from my iPhone

On Jul 26, 2017, at 1:14 PM, Quamme, Sarah <sarah_quamme@fws.gov> wrote:

Sorry for the lack of context in this email. The Region was scrambling at the last minute and it sounded like they wanted you all to have these maps for the hornshell briefing.

On Wed, Jul 26, 2017 at 1:00 PM, Quamme, Sarah <sarah_quamme@fws.gov> wrote:

----- Forwarded message -----

From: **Oetker, Susan** <susan_oetker@fws.gov>
Date: Wed, Jul 26, 2017 at 10:58 AM
Subject: maps
To: Sarah Quamme <sarah_quamme@fws.gov>

Attached are historical and presumed current.

Susan Rogers Oetker
US Fish and Wildlife Service
Region 2- RO Ecological Services
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Sarah Joan Quamme
Unified Listing Team Manager
U.S. Fish & Wildlife Service
703-358-1796

--

Sarah Joan Quamme
Unified Listing Team Manager
U.S. Fish & Wildlife Service
703-358-1796

From: [Frazer, Gary](#)
To: [Gina Shultz](#); [Bridget Fahey](#); [Sarah Quamme](#)
Subject: Fwd: DCN: BP034236 - Final Rule Listing Texas Hornshell as an Endangered Species
Date: Thursday, July 27, 2017 9:14:12 AM
Attachments: [BP34236 signed IM for Dir pdf.pdf](#)

FYI. Here's the bp he's referring to, which the Region must have posted to DTS without telling anyone. -- GDF

Gary Frazer
Assistant Director -- Ecological Services
U.S. Fish and Wildlife Service
(202) 208-4646

----- Forwarded message -----

From: **Gale, Michael** <michael_gale@fws.gov>
Date: Thu, Jul 27, 2017 at 10:59 AM
Subject: Re: DCN: BP034236 - Final Rule Listing Texas Hornshell as an Endangered Species
To: "Sellars, Roslyn" <roslyn_sellars@fws.gov>
Cc: Nikki Randolph <Nikki_Randolph@fws.gov>, Anya Rushing <anya_rushing@fws.gov>, "Gary D. Frazer" <gary_frazer@fws.gov>

FYI - I gave the briefing paper to Greg when we went through his packages this morning at 9:30a.m. He is holding on to that package along with the other listing packages so that he can have some conversations with folks upstairs before moving them forward.

Michael

On Thu, Jul 27, 2017 at 9:30 AM, Sellars, Roslyn <roslyn_sellars@fws.gov> wrote:
This was yesterday, but I will still print it out.

Roslyn

On Thu, Jul 27, 2017 at 9:22 AM, <Nikki_Randolph@fws.gov> wrote:
My understanding that their is a briefing with acting Director today on this issue?

--

Michael Gale

Special Assistant, U.S. Fish and Wildlife Service

202.208.4923 (office)
571.982.2158 (cell)

From: [Hires, Brian](#)
To: [Sarah Quamme](#)
Subject: URGENT DTS ITEM: Texas hornshell final listing
Date: Friday, July 28, 2017 12:09:03 PM

Hi Sarah,

Just a quick heads up that the outreach for the Texas hornshell final listing is with you in DTS for review and surname (066217). I know you're slammed these days, but given that this will go to the FR next week and I still need to share with others, including DOI, any chance you can give this a quick once-over today? Also, anyone else in ES need to review it?

Thanks,

[Brian Hires](#)

Division of Public Affairs

U.S. Fish & Wildlife Service - Headquarters

5275 Leesburg Pike

Falls Church, VA 22041

Office: (703) 358-2191

Cell: (703) 346-9941

From: [Quamme, Sarah](#)
To: [Bridget Fahey](#)
Subject: hornshell info
Date: Monday, July 31, 2017 9:01:50 AM
Attachments: [hornshell supplement.docx](#)

Here's what we got from the Region on hornshell. I didn't edit it, but can work with the Region if you have any follow-up questions.

--

Sarah Joan Quamme
Unified Listing Team Manager
U.S. Fish & Wildlife Service
703-358-1796

From: [Fahey, Bridget](#)
To: [Quamme, Sarah](#)
Subject: Re: hornshell info
Date: Monday, July 31, 2017 9:35:24 AM
Attachments: [hornshell supplement DCC.docx](#)

I have follow up questions; can you work with the region to address?

Bridget Fahey
Division Chief for Conservation and Classification
U.S. Fish and Wildlife Service
(703) 358-2163

On Mon, Jul 31, 2017 at 11:01 AM, Quamme, Sarah <sarah_quamme@fws.gov> wrote:
Here's what we got from the Region on hornshell. I didn't edit it, but can work with the Region if you have any follow-up questions.

--

Sarah Joan Quamme
Unified Listing Team Manager
U.S. Fish & Wildlife Service
703-358-1796

From: [Quamme, Sarah](#)
To: [Fahey, Bridget](#)
Subject: Re: hornshell info
Date: Monday, July 31, 2017 10:40:23 AM
Attachments: [hornshell supplement DCC SO sss sjq.docx](#)

Some additional edits for you.

On Mon, Jul 31, 2017 at 11:38 AM, Quamme, Sarah <sarah_quamme@fws.gov> wrote:
On it.

On Mon, Jul 31, 2017 at 11:34 AM, Fahey, Bridget <bridget_fahey@fws.gov> wrote:
I have follow up questions; can you work with the region to address?

Bridget Fahey
Division Chief for Conservation and Classification
U.S. Fish and Wildlife Service
(703) 358-2163

On Mon, Jul 31, 2017 at 11:01 AM, Quamme, Sarah <sarah_quamme@fws.gov> wrote:
Here's what we got from the Region on hornshell. I didn't edit it, but can work with the Region if you have any follow-up questions.

--
Sarah Joan Quamme
Unified Listing Team Manager
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Unified Listing Team Manager
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703-358-1796

--
Sarah Joan Quamme
Unified Listing Team Manager
U.S. Fish & Wildlife Service
703-358-1796

From: [Quamme, Sarah](#)
To: [Fahey, Bridget](#)
Subject: Re: hornshell info
Date: Monday, July 31, 2017 10:48:03 AM
Attachments: [hornshell supplement DCC SO_sss sjq v2.docx](#)

I think this edit might fix your concern.

On Mon, Jul 31, 2017 at 12:40 PM, Quamme, Sarah <sarah_quamme@fws.gov> wrote:
Some additional edits for you.

On Mon, Jul 31, 2017 at 11:38 AM, Quamme, Sarah <sarah_quamme@fws.gov> wrote:
On it.

On Mon, Jul 31, 2017 at 11:34 AM, Fahey, Bridget <bridget_fahey@fws.gov> wrote:
I have follow up questions; can you work with the region to address?

Bridget Fahey
Division Chief for Conservation and Classification
U.S. Fish and Wildlife Service
(703) 358-2163

On Mon, Jul 31, 2017 at 11:01 AM, Quamme, Sarah <sarah_quamme@fws.gov> wrote:
Here's what we got from the Region on hornshell. I didn't edit it, but can work with the Region if you have any follow-up questions.

--
Sarah Joan Quamme
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Sarah Joan Quamme
Unified Listing Team Manager
U.S. Fish & Wildlife Service
703-358-1796

From: [Hill, Debra](#)
To: [Quamme, Sarah](#)
Subject: IM
Date: Monday, July 31, 2017 1:44:28 PM
Attachments: [Information Memorandum for the Director Draft 06122017.docx](#)

--

Debra Hill
New Mexico Energy Streamlining
Program Coordinator
2105 Osuna NE
Albuquerque, NM 87113
Office(505)761-4719
Cell- (505) 234-4253
Fax (505) 346-2542

From: [Quamme, Sarah](#)
To: [Bridget Fahey](#)
Subject: hornshell and Mexico
Date: Monday, July 31, 2017 2:10:15 PM
Attachments: [hornshell Mexico.docx](#)

Here you go. Standing by for comments.

--

Sarah Joan Quamme
Unified Listing Team Manager
U.S. Fish & Wildlife Service
703-358-1796

From: [Bridget Fahey](#)
To: [Quamme, Sarah](#)
Subject: Re: hornshell 6-month question
Date: Monday, July 31, 2017 5:21:43 PM

Agreed on timeline. Can you have someone check with SOL on if they are good with HQ SOL surname? And yes on narratives; add in the change -- we still have a few days in case anything changes again. And yes on talking to EA.

Sent from my iPad

On Jul 31, 2017, at 6:12 PM, Quamme, Sarah <sarah_quamme@fws.gov> wrote:

I got the Region started working on the extension notice. Several logistical follow-up questions.

Considering that this notice would need to publish on or before August 10, we will need it in here ASAP. I told Shawn we will probably want it surnamed out of the Region as early as COB tomorrow (Tuesday). Is that pushing things overly hard?

Frank is out the first part of this week. Can we get an HQ SOL to review?

Do we want this to appear in the weekly report as an extension yet?

Should we alert EA yet?

Thanks!

--

Sarah Joan Quamme
Unified Listing Team Manager
U.S. Fish & Wildlife Service
703-358-1796

From: [Quamme, Sarah](#)
To: [Fellows, Valerie](#)
Subject: Re: hornshell 6-month question
Date: Tuesday, August 1, 2017 6:52:22 AM
Attachments: [hornshell 6m narrative.docx](#)

I was just going to ask you that question. Here you go. This should entirely replace the narrative for the hornshell final listing.

On Tue, Aug 1, 2017 at 8:48 AM, Fellows, Valerie <valerie_fellows@fws.gov> wrote:
K - email it to me instead of putting it in the weekly if you can - thanks!

On Tue, Aug 1, 2017 at 8:19 AM, Quamme, Sarah <sarah_quamme@fws.gov> wrote:
Valerie - We had a last minute change in direction on one of our packages yesterday. I need to get you an updated narrative for Texas hornshell for the weekly report. I will try to get that to you ASAP.

----- Forwarded message -----

From: Quamme, Sarah <sarah_quamme@fws.gov>
Date: Mon, Jul 31, 2017 at 6:11 PM
Subject: hornshell 6-month question
To: Bridget Fahey <bridget_fahey@fws.gov>

I got the Region started working on the extension notice. Several logistical follow-up questions.

Considering that this notice would need to publish on or before August 10, we will need it in here ASAP. I told Shawn we will probably want it surnamed out of the Region as early as COB tomorrow (Tuesday). Is that pushing things overly hard?

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--

Valerie Fellows
Communications
Ecological Services Program
U.S. Fish and Wildlife Service
MS: ES
5275 Leesburg Pike
Falls Church, VA 22041-3803
Phone: (703) 358-2285

--

Sarah Joan Quamme
Unified Listing Team Manager
U.S. Fish & Wildlife Service
703-358-1796

From: [Fellows, Valerie](#)
To: [Quamme, Sarah](#)
Subject: Re: hornshell 6-month question
Date: Tuesday, August 1, 2017 7:14:19 AM

Okay -

That language on "we need to submit it by...." usually comes out by Gary or Gina before it goes to the Department so I just wanted to check. thanks.

On Tue, Aug 1, 2017 at 9:08 AM, Quamme, Sarah <sarah_quamme@fws.gov> wrote:

No. That's not correct. It must be *published* by Aug 10, thus the need to deliver by Aug 3. I used the same language for hornshell as appears for all of the court ordered final listing rules that have publish by dates instead of submit by dates.

On Tue, Aug 1, 2017 at 9:02 AM, Fellows, Valerie <valerie_fellows@fws.gov> wrote:

Sorry - I meant this : FWS is required by a settlement agreement to submit the extension to the *Federal Register* by August 10, 2017.

On Tue, Aug 1, 2017 at 9:01 AM, Fellows, Valerie <valerie_fellows@fws.gov> wrote:

Is this an accurate way I revised the last sentence? FWS is required to submit the extension to the *Federal Register* by August 10, 2017.

On Tue, Aug 1, 2017 at 8:54 AM, Fellows, Valerie <valerie_fellows@fws.gov> wrote:

Great = thanks!

On Tue, Aug 1, 2017 at 8:52 AM, Quamme, Sarah <sarah_quamme@fws.gov> wrote:

I was just going to ask you that question. Here you go. This should entirely replace the narrative for the hornshell final listing.

On Tue, Aug 1, 2017 at 8:48 AM, Fellows, Valerie <valerie_fellows@fws.gov> wrote:

K - email it to me instead of putting it in the weekly if you can - thanks!

On Tue, Aug 1, 2017 at 8:19 AM, Quamme, Sarah <sarah_quamme@fws.gov> wrote:

Valerie - We had a last minute change in direction on one of our packages yesterday. I need to get you an updated narrative for Texas hornshell for the weekly report. I will try to get that to you ASAP.

----- Forwarded message -----

From: **Quamme, Sarah** <sarah_quamme@fws.gov>

Date: Mon, Jul 31, 2017 at 6:11 PM

Subject: hornshell 6-month question

To: Bridget Fahey <bridget_fahey@fws.gov>

I got the Region started working on the extension notice. Several logistical follow-up questions.

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--

Valerie Fellows
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5275 Leesburg Pike
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--

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--

Valerie Fellows
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--

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Phone: (703) 358-2285

From: [Hausman, Alyssa](#)
To: [Quamme, Sarah](#)
Cc: [Brian Hires](#); [Gavin Shire](#)
Subject: Re: Texas hornshell
Date: Thursday, August 3, 2017 7:58:56 AM

Hi Sarah,

It looks like the 6-month extension is planned to be sent to the FR today. Did the court grant the request, and can you please let us know when the extension is submitted?

Thank you!

- Alyssa

Alyssa Hausman
Congressional and Legislative Affairs Specialist
U.S. Fish and Wildlife Service
Office: (703) 358-2275
Mobile: (703) 785-3402
alyssa_hausman@fws.gov

On Tue, Aug 1, 2017 at 9:32 AM, Hausman, Alyssa <alyssa_hausman@fws.gov> wrote:
Thanks, Sarah. Can you please let me know when we make the extension request?

Alyssa Hausman
Congressional and Legislative Affairs Specialist
U.S. Fish and Wildlife Service
Office: (703) 358-2275
Mobile: (703) 785-3402
alyssa_hausman@fws.gov

On Tue, Aug 1, 2017 at 9:06 AM, Quamme, Sarah <sarah_quamme@fws.gov> wrote:
The settlement agreement deadline to publish either a final rule or 6-month extension notice is August 10.

On Tue, Aug 1, 2017 at 9:03 AM, Brian Hires <brian_hires@fws.gov> wrote:
Hi Sarah, what's the timing for this?

[Brian Hires](#)
Division of Public Affairs
U.S. Fish & Wildlife Service
5275 Leesburg Pike
Falls Church, VA 22041
Office: [\(703\) 358-2191](tel:(703)358-2191)
Cell: [\(703\) 346-9941](tel:(703)346-9941)

Sent from my iPhone

On Aug 1, 2017, at 8:25 AM, Quamme, Sarah <sarah_quamme@fws.gov> wrote:

Hi guys - Heads up, we got word last night that we should indeed be pursuing a 6-month extension for Texas hornshell. The Region is working on the notice now, but the outreach materials will need to be updated. I believe Lesli already got moving on that last night, but just wanted to close the loop with you. Thanks!

--

Sarah Joan Quamme
Unified Listing Team Manager
U.S. Fish & Wildlife Service
703-358-1796

--

Sarah Joan Quamme
Unified Listing Team Manager
U.S. Fish & Wildlife Service
703-358-1796

From: [Fahey, Bridget](#)
To: [Gina Shultz](#)
Cc: [Sarah Quamme](#)
Subject: Fwd: two time-sensitive packages
Date: Thursday, August 3, 2017 9:13:29 AM

Hi Gina. Given the lack of movement on the stonefly reopener, we are not sure how to meet our court-ordered deadline. Sarah and I have discussed options and would like to run them by you when we get a chance for a chat. I'll be on leave starting ~4PM today so if it doesn't happen today, Sarah is acting for me and will take it from there.

Bridget Fahey
Division Chief for Conservation and Classification
U.S. Fish and Wildlife Service
(703) 358-2163

----- Forwarded message -----

From: **Frazer, Gary** <gary_frazer@fws.gov>
Date: Mon, Jul 24, 2017 at 10:25 AM
Subject: Re: two time-sensitive packages
To: "Quamme, Sarah" <sarah_quamme@fws.gov>
Cc: Bridget Fahey <bridget_fahey@fws.gov>, Gina Shultz <Gina_Shultz@fws.gov>

Greg and Casey have asked the Region for a briefing on hornshell, which is currently scheduled this Wed. Bridget on the invite, and you're welcome to be on the call, too. I anticipate a problem with meeting our deadline on this one.

Will ping ExecSec on the stonefly reopener. -- gDF

Gary Frazer
Assistant Director -- Ecological Services
U.S. Fish and Wildlife Service
(202) 208-4646

On Mon, Jul 24, 2017 at 10:03 AM, Quamme, Sarah <sarah_quamme@fws.gov> wrote:

Good morning, Gary. I wanted to bring your attention to some details regarding timing of a couple of our packages.

Texas hornshell final listing needed to go to Exec Sect last Thursday (July 20). The package has a court ordered deadline to publish in the Federal Register August 10. To make that work, we need to deliver the package to the FR by August 3, which means the package should have been at Exec Sec last Thursday (July 20).

2 stoneflies reopener is also time sensitive. The statutory deadline to publish the final listing is October 4. That final rule needs to be in HQ August 16. To make that happen, we need the reopener to clear Exec Sec by this Wednesday (July 26). This package has been with Exec Sec since July 14.

Let us know if you want any other details on either of these. Thanks!

--

Sarah Joan Quamme
Unified Listing Team Manager
U.S. Fish & Wildlife Service
703-358-1796

From: [Olguin, Lawrence](#)
To: [Quamme, Sarah](#)
Cc: [Shawn Sartorius](#); [Susan Jacobsen](#); [Michael Porter](#); [Susan Oetker](#)
Subject: Re: Texas Hornshell Listing Determination Six-month Extension and Outreach Materials
Date: Thursday, August 3, 2017 11:18:49 AM
Attachments: [FR3055 TXHS 6-month extension PR Signed Approved.pdf](#)

Fyi.

On Thu, Aug 3, 2017 at 10:56 AM, Olguin, Lawrence <lawrence_olguin@fws.gov> wrote:
Susan,

As the program office of official record, please see attached signed .pdf , "Texas Hornshell Listing Determination Six-month Extension and Outreach Materials" for your files. Original will be placed in Shawn's in-box. In addition, I've routed to ABHC-PPM for appropriate action in DTS. In advance, your patience and cooperation is always appreciated.

--

Lawrence R. Olguin
Program Support, Ecological Services
U.S. Fish & Wildlife Service
500 Gold Ave SW
Albuquerque, NM 87102
Office Phone: 505-248-6647
Fax: 505-248-6922
Lawrence_Olguin@fws.gov

"There are two things that interest me; the relationship of people to each other and the relationship of people to the land" ALDO LEOPOLD

--

Lawrence R. Olguin
Program Support, Ecological Services
U.S. Fish & Wildlife Service
500 Gold Ave SW
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Office Phone: 505-248-6647
Fax: 505-248-6922
Lawrence_Olguin@fws.gov

"There are two things that interest me; the relationship of people to each other and the relationship of people to the land" ALDO LEOPOLD

From: [Shire, Gavin](#)
To: [Hires, Brian](#)
Cc: [Sarah Quamme](#); [Alyssa Hausman](#); [Laury Parramore](#)
Subject: Re: DRAFT Outreach on TX Hornshell Comment Period Extension
Date: Friday, August 4, 2017 9:56:50 AM
Attachments: [If-Asked Only TALKING POINTS - TX Hornshell Extension_bh.docx](#)
[THS ext NR draft_bh.doc](#)

A few things:

Firstly, where's the comms plan? Just because this is an extension rather than a final decision, doesn't mean we don't need to plan things.

Secondly, we are not extending the determination. The determination is a discrete action and can't be extended (except perhaps by making the FR notice longer). What we are extending is the *deadline* for taking that action.

Thirdly, I think you were on the right track in dispensing with a lot of technical information, but I have gone even further.

G

Gavin Shire
Chief of Public Affairs
U.S. Fish and Wildlife Service
MS: EA
5275 Leesburg Pike
Falls Church, VA 22041-3803
703-358-2649 (o)
703-346-9123 (c)
gavin_shire@fws.gov

On Thu, Aug 3, 2017 at 12:57 PM, Hires, Brian <brian_hires@fws.gov> wrote:

Hi all,

Attached as an FYI and for your review and feedback is the outreach for the 6-month extension of the Texas hornshell decision. Sounds like this could go to the FR today. Let me know if you have any questions or follow up on anything. Otherwise, please share any thoughts and edits on attached soon as possible.

Thanks,

[Brian Hires](#)

Division of Public Affairs
U.S. Fish & Wildlife Service - Headquarters
5275 Leesburg Pike
Falls Church, VA 22041
Office: (703) 358-2191
Cell: (703) 346-9941

From: [Hausman, Alyssa](#)
To: [Shire, Gavin](#)
Cc: [Brian Hires](#); [Sarah Quamme](#); [Laury Parramore](#)
Subject: Re: DRAFT Outreach on TX Hornshell Comment Period Extension
Date: Friday, August 4, 2017 10:31:31 AM
Attachments: [If-Asked Only TALKING POINTS - TX Hornshell Extension_bh vAH.docx](#)

One edit to the "If Asked" on behalf of Lesli.

Alyssa Hausman
Congressional and Legislative Affairs Specialist
U.S. Fish and Wildlife Service
Office: (703) 358-2275
Mobile: (703) 785-3402
alyssa_hausman@fws.gov

On Fri, Aug 4, 2017 at 12:22 PM, Shire, Gavin <gavin_shire@fws.gov> wrote:
The same plan exactly? Surely the messages and other sections would be different even if the rollout plan is the same?

G

Gavin Shire
Chief of Public Affairs
U.S. Fish and Wildlife Service
MS: EA
5275 Leesburg Pike
Falls Church, VA 22041-3803
703-358-2649 (o)
703-346-9123 (c)
gavin_shire@fws.gov

On Fri, Aug 4, 2017 at 12:02 PM, Brian Hires <brian_hires@fws.gov> wrote:
Apologies, the outreach plan for the final listing will be used for this. It's in DTS and has already reviewed and surnamed by everyone up to Sarah and ES.

[Brian Hires](#)
Division of Public Affairs
U.S. Fish & Wildlife Service
5275 Leesburg Pike
Falls Church, VA 22041
Office: [\(703\) 358-2191](tel:7033582191)
Cell: [\(703\) 346-9941](tel:7033469941)

Sent from my iPhone

On Aug 4, 2017, at 11:56 AM, Shire, Gavin <gavin_shire@fws.gov> wrote:

A few things:

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gavin_shire@fws.gov

On Thu, Aug 3, 2017 at 12:57 PM, Hires, Brian <brian_hires@fws.gov> wrote:

Hi all,

Attached as an FYI and for your review and feedback is the outreach for the 6-month extension of the Texas hornshell decision. Sounds like this could go to the FR today. Let me know if you have any questions or follow up on anything. Otherwise, please share any thoughts and edits on attached soon as possible.

Thanks,

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Falls Church, VA 22041
Office: (703) 358-2191
Cell: (703) 346-9941

<If-Asked Only TALKING POINTS - TX Hornshell Extension_bh.docx>

<THS ext NR draft_bh.doc>

From: [Prigan, Sara](#)
To: [Burge, Vanessa](#); [Michael Porter](#); [Russell, Joyce](#); [Brown, Daniel](#); [Shelly Coleman](#); [Barry Purdy](#); [Jane Touth](#); [Christopher Diel](#); [Leilani Takano](#); [Vanderwier, Julie](#); [Sarah Quamme](#); [FWHQ ES Listing](#)
Cc: [Anissa Craghead](#); [Wilkinson, Susan](#)
Subject: Cleared to go to the Office of the Federal Register
Date: Friday, August 4, 2017 3:31:19 PM

Cleared to go to the Office of the Federal Register for publication:

Endangered Species; Recovery Permit Applications (Memphis Zoo, first app) FR00002981

Foreign Endangered and Threatened Species; Receipt of Applications for Permit (first app
Liliana Cortez Ortiz, Ann Arbor, MI

Proposed Low-Effect Habitat Conservation Plan for the Olympia subspecies of the Mazama
pocket Gopher, Thurston County, Washington

Receipt of Application for Incidental Take Permit; Low-Effect Habitat Conservation Plan for
BAE Hollister Test Facility, San Benito County, California

Low-Effect Habitat Conservation Plan for the Morro Shoulderband Snail; Rothman Parcel,
Community of Los Osos, San Luis Obispo County, California

6-Month Extension of Final Determination on the Proposed Endangered Status for Texas
Hornshell

Thanks,

*Sara Prigan
Division of Policy, Performance, and Management Programs
U.S. Fish and Wildlife Service
5275 Leesburg Pike, MS: BPHC
Falls Church, VA 22041-3808
Telephone: 703-358-2508
Cell phone/text: 301-580-6520*

From: [Hires, Brian](#)
To: [Sarah Quamme](#)
Subject: TX Hornshell extension
Date: Monday, August 7, 2017 10:44:02 AM
Attachments: [TX Hornshell 6-month Extension - Communications Strategy FINAL.docx](#)
[TX Hornshell 6-month Extension - If-Asked Only TPs FINAL.docx](#)
[TX Hornshell 6-month Extension - News Release FINAL.doc](#)

Here you go.

--

[Brian Hires](#)

Division of Public Affairs

U.S. Fish & Wildlife Service - Headquarters

5275 Leesburg Pike

Falls Church, VA 22041

Office: (703) 358-2191

Cell: (703) 346-9941

From: [Hausman, Alyssa](#)
To: [Sarah Quamme](#)
Subject: Fwd: DELIVERED TO OFR: 6-month Extension for Texas Hornshell
Date: Monday, August 7, 2017 11:23:55 AM

Are you okay with me calling just Udall's office this afternoon? I think you we're okay last week, but wanted to double check.

Thanks.

Alyssa Hausman
Congressional and Legislative Affairs Specialist
U.S. Fish and Wildlife Service
Office: (703) 358-2275
Mobile: (703) 785-3402
alyssa_hausman@fws.gov

----- Forwarded message -----

From: **Snyder, Caitlin** <caitlin_snyder@fws.gov>
Date: Mon, Aug 7, 2017 at 12:25 PM
Subject: DELIVERED TO OFR: 6-month Extension for Texas Hornshell
To: FWHQ FR Pub List <fwhq_fr_pub_list@fws.gov>

The six-month extension for the Texas hornshell listing determination was delivered to the Federal Register today.

We requested a publication date of Thursday, August 10 (in the reading room on August 9).

We will notify you when we receive confirmation of publication.

Please let me know if you would like an electronic copy of the document.

Thanks,
Caitlin

Caitlin Snyder
Unified Listing Team
U.S. Fish & Wildlife Service
MS: ES
5275 Leesburg Pike
Falls Church, VA 22041-3803
phone: 703 358 2673

From: [Fahey, Bridget](#)
To: [Sarah Quamme](#)
Subject: Fwd: DSB lizard and TX hornshell disasters
Date: Tuesday, August 22, 2017 12:45:43 PM

----- Forwarded message -----

From: **Frazer, Gary** <gary_frazer@fws.gov>
Date: Tue, Aug 22, 2017 at 2:43 PM
Subject: Fwd: DSB lizard and TX hornshell disasters
To: Ted Koch <Ted_Koch@fws.gov>, "Willey, Seth" <Seth_Willey@fws.gov>, Gina Shultz <Gina_Shultz@fws.gov>, Bridget Fahey <Bridget_Fahey@fws.gov>, Jeff Newman <jeff_newman@fws.gov>

FYI. Kieran will be coming in for a meet and greet with Greg next week and will no doubt have this on his list of topics to discuss.

Note the article on the produced water spill into the Delaware. -- GDF

Gary Frazer
Assistant Director -- Ecological Services
U.S. Fish and Wildlife Service
(202) 208-4646

----- Forwarded message -----

From: **Kieran Suckling** <KSuckling@biologicaldiversity.org>
Date: Sat, Aug 19, 2017 at 2:31 PM
Subject: DSB lizard and TX hornshell disasters
To: "Frazer, Gary" <gary_frazer@fws.gov>

. The mining is targeting the best remaining habitat. As the conservation Gary, there's been a huge increase in sand mining to service the fracking promoted by the dunes sagebrush lizard conservation plan. As the plan is designed to shield the industry from regulation and public oversight, neither the state nor FWS knows how much mining is happening, exactly where it is or even which companies are doing it, much less have any authority to stop it. All it can do is hope to document some the destruction after the fact via satellite images.

Meanwhile, the same oil and gas interests earlier this month spilled 18,000 barrels of tainted fracking water into the Delaware River right above the reintroduced Texas hornshell population. The Delaware river is very small with little capacity to dilute the spill. The spill elevated the river a foot and a half. The draft hornshell plan would do nothing to stop this from happening again.

Kieran

West Texas sand rush exposes faults in state's lizard protection plan

Eric Dexheimer
American-Statesman Staff
Aug. 17, 2017

A sudden influx of mining companies scraping the West Texas oil patch for sand to use in **fracking operations has disrupted nearly as much highly sensitive habitat of a rare lizard in the last three months as the oil and gas industry had in the previous five years**, according to state officials and a conservation group that monitors the area.

The development, they say, exposes deep and potentially fatal flaws in the state's much-vaunted, private-public plan to protect the rare dunes sagebrush lizard.

The Texas Conservation Plan was adopted in 2012 as a way to avoid the land-use restrictions that would apply if the U.S. Fish and Wildlife Service officially listed the small brown lizard as endangered. Pushed by then-Comptroller Susan Combs, an outspoken critic of such listings, the deal enlisted oil and gas companies to protect the species by paying to monitor and minimize damage to its Permian Basin habitat. Conservation groups, who challenged the plan in court as unenforceable because it was voluntary, ultimately lost their case.

The agreement was hailed as a victory that would protect the lizard while allowing Texas' powerful oil industry to operate with minimal restrictions. Yet the arrival of the sand companies has provided a stark illustration of the plan's limitations.

The Texas plan didn't anticipate the possibility of another large industry threatening the lizard's habitat. So the comptroller's office, which oversees the state's endangered species, was caught by surprise when the fracking sand companies started churning up sand earlier this summer. Even now, with the threat in view, the plan supplies state officials with no tools to compel the sand mining companies to join the effort to protect the lizard.

The comptroller "has no authority to stop the development of frac-sand operations," Robert Gulley, who oversees endangered species issues for Comptroller Glenn Hegar, wrote in a letter last week to the U.S. Fish and Wildlife Service alerting the agency to the threat. (The correspondence was first reported by the Texas Tribune.)

The sand companies insist they intend to voluntarily operate as good citizens. **"The plan as drafted really doesn't fit well with sand mining," said Bud Brigham, an Austin oilman whose Atlas Sand holdings lie almost entirely in tracts the state has designated highly sensitive lizard habitat.** Still, he added, "We've worked extremely hard to be good stewards of the land."

Yet critics who warned the Texas Conservation Plan was insufficient to protect the lizard say the arrival of the sand mining industry has confirmed their fears. They note the state's current predicament stands in marked contrast to the authority federal regulators would have wielded had the species been officially listed as endangered.

Not only would the companies most likely have had to alert the Fish and Wildlife Service of their intention before they started operations, they "would have had to comply with conservation measures, instead of it being voluntary as it is now," said Ya-Wei Li, director of

the Center for Conservation Innovation at the Defenders of Wildlife, one of the organizations that challenged the Texas plan in court.

“There’s nothing really that can be done to stop the sand people,” said Gary Mowad, who as former head of the U.S. Fish and Wildlife Service’s Texas office resisted the state’s initiative.

Fracking, lizard like same sand

Sand is a basic component of fracking, a mining technique that has allowed petroleum companies to extract more oil and gas. Water is pumped into wells under high pressure, forcing open fissures in the rock. Sand blasted into the holes then keeps the cracks open, allowing for oil and gas to be pumped out.

As fracking operations have become more sophisticated, the amount of sand used in the process has skyrocketed. A recent investor presentation by Hi-Crush Partners LP, one of the first sand companies to open an operation in the Permian Basin, predicted **industry demand would soar to 100 million tons annually by next year, a 54-percent increase from 2014.**

Previously, most of the sand has been mined from Midwest states and shipped to mining sites. But with the soaring demand, industry experts say the cost savings of acquiring sand closer to the oil and gas wells became too great to ignore.

Yet conservationists say that the sand mining in West Texas imperils the lizard’s survival. The same sand that is best for fracking appears to be the type preferred by the lizard. **A comptroller’s map of the Permian Basin’s known sand-mining operations shows a thin north-south arc of land near the New Mexico border nearly overlaying sensitive lizard habitat.**

They add that the standard method of mining — digging 80-foot-deep pits to extract the sand — is unavoidably disruptive. Once completed, it cannot be easily repaired to restore the habitat.

Brigham, who through Atlas Sand controls 2,000 acres of land in the area and leases 4,000 more from the state’s General Land Office, dismissed such fears. “The concern about the impact of sand mining is very much exaggerated,” he said.

He said that, despite his large holdings, the Atlas operation would disrupt fewer than 100 acres in the next three years, and reclaim nearly half of that. Brigham added that he has encouraged other local mining companies to adopt best practices, and that he is funding additional research on the lizard and its habitat

“The dunes sagebrush lizard is a very poorly understood species,” he said.

Operations remain unknown

The comptroller’s office said it has identified 15 sand-mining companies that have started operations in the Permian Basin, primarily in Winkler County, and secured commitments from several to join the lizard-protection effort. Yet the process has exposed limitations of the Texas plan’s ability to react to new threats.

Gulley said his office learned about the breadth of the mining boom in the heart of the lizard's most sensitive habitat only after reading about it in a newspaper article. Using satellite images of the area his office reviews quarterly, his staff last month noticed disturbances on the ground. Li said his organization's monitoring of the Permian Basin picked up on the activity, as well, with most of it starting in July.

The precise extent of the activity has been a challenge to pinpoint, however. While several of the companies are publicly traded, and so report the outlines of their activity to investors, others are privately held.

Because it cannot intrude on the sand-mining companies' private property, the company hired through the Texas Conservation Plan to keep an eye on the lizard habitat has only been able to infer sand-mining activity by driving by the operations. "We just don't have access to the sites, so we don't have all the information we'd like to have," Gulley said.

In the case of Ohio-based Fairmount Santrol, whose operations lie in the lizard's most sensitive habitat, Gulley said he still didn't know how many acres the company controlled. State officials haven't yet been able to pinpoint where three of the companies intend to mine at all. And in one instance, Gulley conceded that he has been unable to even identify the sand-mining company's owners.

'There will be a reckoning'

Even once all the sand-mining companies are identified and their operations mapped, the state has limited authority to enlist their help in protecting the lizard.

Gulley said his office has so far communicated with nine of the companies, urging them to work with the comptroller to minimize damage to the lizard habitat. Two of those, Black Mountain and Vista Sand, agreed to change their mining to avoid sensitive land and to enroll land most likely to provide a home to the lizard in the state's conservation plan. Two other companies said they won't mine on sensitive lizard habitat. High Roller LLC recently indicated a willingness to avoid areas most likely to have lizards, he said.

Yet such agreements are voluntary. And "as of now, nine of the remaining 11 companies apparently still plan to operate in (dune sagebrush lizard) habitat or buffer including in very high likelihood of occurrence areas," Gulley wrote in his letter to the U.S. Fish and Wildlife Service. He said he was particularly concerned about the operations of Atlas, Hi-Crush and Fairmount, whose holdings were almost entirely in tracts designated as highly likely to contain lizards.

Gulley said the Texas Oil and Gas Association and Permian Basin Petroleum Association, whose members comprise and continue to support the original Texas Conservation Plan, have urged the sand-mining companies to work with the state. The industry has an incentive to enlist the sand companies. If a threat to the lizard persists, federal regulators may still step in and list the lizard as endangered, potentially limiting petroleum extraction in the Permian Basin.

Despite the efforts, Gulley said he fully expects either the U.S. Fish and Wildlife Service will resume its efforts to list the lizard as endangered or conservation groups will rekindle their opposition in court — a possibility Li said the Defenders of Wildlife is already considering.

“Either the U.S. Fish and Wildlife Service or a federal judge will decide,” Gulley said. “There will be a reckoning.”

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EDUCATION

Produced water spill reported in Delaware River

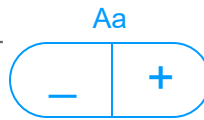


The Delaware River flows from Culberson County, Texas into south Eddy County in New Mexico. The New Mexico Oil ...[more](#)

Courtesy Photo

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Jessica Onsurez | Carlsbad Current-Argus
Updated 5:37 p.m. MT Aug. 4, 2017



An estimated 18,000 barrels of produced water spilled into the Delaware River which runs across Texas into New Mexico.

Beth Wojahn, spokeswoman for the New Mexico Oil Conservation Division (OCD) said the spill originating in Culberson County, Texas, was reported Friday.

Wojahn said environmental engineers are still investigating the incident and couldn't confirm the material or the size of the spill.

"The release reported to us has stopped, and our Oil Conservation Division is working with Environment Department and is working with officials to see what exactly has happened," Wojahn said.

As a regulator, the OCD would monitor the reported spill and work with those involved on remediation.

More: [Oil towns see population growth, per Census data](#)

Operators are required to report any spills five barrels or above to the OCD.

Ramona Nye of the Railroad Commission of Texas said Cimarex Energy Co. reported the spill to them August 1.

Cimarex Energy Co. operates largely in the Permian Basin as an exploration and production company. They have operations in Oklahoma, Texas and New Mexico, according to their website.

The company's initial report to the Railroad Commission was of one barrel of oil and "up to 1,000 barrels of produced water" from a gathering line rupture.

The Current-Argus was unable to reach Cimarex Energy for comment.

The rupture occurred at the company's Assault 14 Fee Salt Water Disposal well, three miles from the Texas/New Mexico border.

More: [Oil and gas spills in NM down in 2016](#)

"The spill ran into the Delaware River, according to Cimarex. The operator has deployed booms and absorbent pads to contain the spill," Nye said in an emailed statement. "Our Oil and Gas Division is overseeing the operator's containment and cleanup of the spill to ensure it is done in

strict compliance with Railroad Commission rules to ensure protection of public safety and the environment."

James Amos, supervisory petroleum engineering tech for the Bureau of Land Management Carlsbad Field Office said the spill could have a potentially "devastating" impact on the Delaware River.

"It's a tough issue at this point because produced water will blend with clean natural waters in the Delaware itself," Amos said. "There's not that much water flowing in the Delaware under normal conditions and that much added to it, it's going to have a major impact on any aquatic life in there."

Amos said sampling of the river has occurred and that monitoring of those samples will continue to determine what exactly was released into the river.

More: [Man camp ban extended while county finalizes regulations](#)

New Mexico has about eight miles of the Delaware River in southern Eddy County.

The National Oceanic and Atmospheric Administration website, which monitors rivers for weather prediction purposes, shows the Delaware River rose sharply to 4.7 feet August 2 at 3 a.m. before subsiding to its average 3.2 feet flow.